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Via Legal Messenger

**Brown  
Reavis  
& Manning**  
ATTORNEYS AT LAW

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RE: *Seattle Iron & Metals Corp. v. Continental Can Co., et al.*

Dear Don and Terry:

Enclosed is a short summary of Seattle Iron & Metals' claims in this case. Because our research is ongoing, some of the information will no doubt need to be revised in the future. I am sending you this preliminary draft with the understanding that it is a settlement communication subject to Federal Rule of Evidence 408.

We have a fairly complete set of documents reflecting site investigations and remediation efforts. I would be glad to make those available to you at your convenience before voluntary disclosures are due.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gillis E. Reavis", with a long horizontal line extending to the right.

Gillis E. Reavis  
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GER:tc  
Enclosures

cc: Alan Sidell

**USEPA SF**



**1376797**

## **SUMMARY OF ENVIRONMENTAL CLAIMS**

### ***Seattle Iron & Metals Corporation v. Continental Can Co., Inc., et al.***

#### **1. Introduction**

In 1998, Seattle Iron & Metals Corporation ("SIMC") purchased the property located at 606 Myrtle Street ("Myrtle Street property") from Othello Street Warehouse Corporation in order to build a new state-of-the-art metal recycling facility. At various times, the Myrtle Street property has been referenced with the following addresses: 501 South Myrtle Street, 601 South Myrtle Street, 606 South Myrtle Street, 600 Othello Street (Parcel A), 660 Othello Street, and 600 South Garden Street (Parcel B). A site map is attached as Exhibit 1. A legal description is attached as Exhibit 2.

#### **2. Myrtle Street Property History**

The Myrtle Street property has a long history of industrial use dating back to as early as 1913. From approximately 1913 to 1932, Seattle Astoria Iron Works owned the property. Review of the records indicates that the buildings on site at that time included the following: office building, machine shop, foundry, boiler room, pattern shop, steel cutting shop, and a blacksmith shop.

In approximately 1928, Continental Can Company, Inc. ("Continental Can") acquired Seattle Astoria Iron Works. From approximately 1932 to approximately 1983, Continental Can owned the Myrtle Street property. Continental Can manufactured cans and canning equipment for the canning industry. A site plan dated 1943 shows that the following structures were added to the Myrtle Street property: warehouse, paint shop, oil house, boiler house, four underground storage tanks ("USTs"), above-ground oil pipeline, and pump house (Exhibit 3). Also, 3 additional USTs were installed between 1955 and 1973 (Exhibits 4, 5, and 6).

From approximately 1983 to 1988, Manson Construction Company ("Manson") owned the Myrtle Street property. During that time, Manson leased the property to the following tenants: Messans Traffic, Mega Terminals, Norse Pacific & Steamship Line, and Pacific Terminals. The Continental Can buildings were evidently removed from the property at some time between 1986 and 1988, with the exception of the warehouse, office building, and dockyard building.

Five above ground storage tanks ("ASTs") were located on the northwestern portion of the site along with a pump area. The tanks were enclosed within a metal spill containment box.



In 1988, Othello Street Warehouse Corporation ("Othello") purchased the Myrtle Street property. Othello continued to lease the property to Pacific Terminals. The records indicate that the ASTs and the dockyard building were removed by 1997.

### **3. Contamination History**

From 1913 to 1998, numerous industries were present at this location. Industries present included: iron-works, ship building, steel smelting, steel can manufacturing, and shipping and trucking operations. The records document a lengthy history of industrial processes resulting in contamination of the soil and groundwater at the Myrtle Street property prior to the purchase by SIMC. Industrial processes that could have led to multiple contaminants impacting the soil and groundwater included the following:

- Metals released from the foundry and metal shop;
- Solvents and degreasers containing VOCs released from the paint shop, the cleaning pit, and the metal shop;
- The use of diesel, oil, and lubricants across the site, and the storage of petroleum in above-ground and underground tanks, resulting in TPH contamination; and
- Possible use of contaminated fill in the west/northwest corner of the site, adjacent to the Duwamish River.

As part of the industrial processes, numerous USTs were installed over the years at the Myrtle Street property. Based on a site plan from 1943, the following USTs were located at the Myrtle Street property (Exhibit 3):

- 2,000-gallon heating oil UST at the northeast corner of the office building;
- 2,000-gallon oil UST immediately west of the former boiler house;
- 1,250-gallon diesel UST at the southwest corner of the former milling building; and
- 12,000-gallon fuel oil UST located at the southwest corner of the former milling building.

City of Seattle Building Department permits show that the following USTs were installed between 1955 and 1973:

- UST of unknown contents and capacity installed in 1955 at the machine shop (Exhibit 4);

- UST of unknown location, content, and capacity installed in 1972 (Exhibit 5); and
- 10,000-gallon PS 200 fuel oil UST located near the office/factory in 1973 (Exhibit 6).

Review of the records shows an uncertain history as to the removal of USTs at the Myrtle Street property.

In 1972, Manson filled a portion of the Myrtle Street property with approximately 18,000 cubic yards of earth (Exhibit 7). In 1976, Manson filled another portion of the Myrtle Street property with approximately 65,000 cubic yards of course sand and gravel (Exhibit 8).

The source of these fill materials, and the handling of such materials, has not been confirmed. On June 23, 1976, the EPA responded to the Public Notice for the Myrtle Street fill project by sending a comment letter to the Corps. In that letter, the EPA raised concerns regarding the potential use of Duwamish fill. Specifically, the EPA stated:

Some of the fill material will likely come from the Duwamish Waterway where sediments in many areas are not acceptable for uncontained disposal... Our agency, therefore, will require that the initial berm be built up with dredge spoils that are acceptable for uncontained disposal . . . .

#### **4. Prior Remedial Work Conducted at Myrtle Street Property**

On June 19, 1996, Hart Crowser completed a preliminary environmental assessment on behalf of Maple Leaf Property Management and Othello Street Warehouse Corporation. In February 1997, Hart Crowser completed a site investigation, which consisted of soil and groundwater sampling. Reports describing the investigation are available for review.

On May 30, 1997, Hart Crowser submitted an Independent Remedial Action Report to the State of Washington, Department of Ecology ("Ecology") on behalf of Othello Street Warehouse Corporation. In that report, Hart Crowser outlined remedial actions taken by Othello at the Myrtle Street property.

Ecology did not accept the report as final. Rather, it accepted the report as a proposal for work to be completed at the Myrtle Street property. Ecology's position was confirmed in a letter dated August 25, 1997, from Glynis Carrosino, Ecology Toxics Cleanup Program Manager (Exhibit 9).

## **5. Department of Ecology Conditional No Further Action**

In April 1998, Othello petitioned Ecology for a conditional no further action letter regarding the Myrtle Street property. On June 4, 1998, Ecology issued a Conditional No Further Action letter ("Conditional NFA") (Exhibit 10). As part of the Conditional NFA, Othello was required to file a Restrictive Covenant (Exhibit 11).

Prior to the issuance of the Conditional NFA, Ecology reviewed the environmental work on the property that had previously been completed by Hart Crowser on behalf of the seller Othello. Also, as part of this review, Ecology also met with the buyer (SIMC).

On April 13, 1998, SIMC presented to Ecology an overview of the anticipated redevelopment activities for the Myrtle Street property (Exhibit 12). In a letter dated May 6, 1998 (Exhibit 13), Ecology stated:

The proposed construction appears to provide the site with a more effective pavement and more efficient storm water management . . . . A couple of TPH "hot spot" areas were identified and are a source of concern for me, should they be encountered during site construction.

On May 22, 1998, Ecology met with SIMC representatives and its consultants (AGRA Environmental) regarding the specifics of the project. Ecology approved the work plans in a letter dated June 12, 1998 (Exhibit 14), which stated:

The proposed redevelopment activities triggered Section 3 of the Restrictive Covenant for the South Myrtle Street Property, which prohibits any activity in the capped areas of the site, unless approved by Ecology. This correspondence formally presents for the record Ecology's approval of the work being conducted by SIMC to redevelop the site.

Specifically, Section 3 of the Restrictive Covenant stated:

Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

In order to be in compliance and satisfy the conditions of the restrictive covenant as related to the Conditional NFA, SIMC was required by Ecology to remediate the site if it uncovered contaminated soils.

## 6. Environmental Cleanup

The environmental cleanup conducted by SIMC at the Myrtle Street property took nearly 10 months to complete and required the following activities:

- removal of existing 2" asphalt cap and export of concrete debris and rubble below existing asphalt
- removal and disposal of USTs
- excavation and export of contaminated soils
- installation of a new, thicker, less permeable concrete asphaltic cap in traffic areas
- installation of an environmental liner under foundation of newly constructed shredder building
- necessary upgrade of stormwater drainage system

These activities were essential to ensure that environmental standards were met under Ecology's Conditional NFA. SIMC hired Seattle Construction ("Sea Con") to conduct the cleanup activities. Also, pursuant to the Conditional NFA, SIMC instructed AGRA to monitor the cleanup activities at the Myrtle Street property.

### A. Removal of Existing Asphalt Cap and Concrete

The first step in the cleanup process was to excavate the property. As part of the excavation process, the existing 2" asphalt cap was removed. After removing the cap, a large area of concrete rubble was encountered. The concrete rubble was characterized and exported to a local concrete recycling facility.

### B. UST Removal and Disposal

During excavation at the site, 6 USTs and belowground gravity oil line were encountered and removed. The USTs ranged in size from 50-gallons to 5,000 gallons. Four of the 6 USTs discovered showed evidence of contamination.

On 12/15/98, a 2,000-gallon tank was discovered. There was evidence of releases. Soil samples exceeded MTCA Level A cleanup standards.

On 03/04/99, a 5,000-gallon tank was discovered, containing a water/oil mixture. The oil was noted as being Bunker C type fuel oil. There was evidence that the surrounding soils were impacted. The impacted soil was sent to an off-site landfill for characterization and disposal.

On 03/16/99, a 1,000-gallon tank was discovered, containing petroleum impacted soil and 3 gallons of oil. The tank was removed and the impacted soil was sent to an off-site landfill for characterization and disposal.

On 06/01/99, a 500-gallon tank was discovered. Strong petroleum odors were observed in the excavation. It was noted that the soil surrounding the UST was impacted by release(s). The impacted soil was sent to an off-site landfill for disposal.

C. Export of Contaminated Soils

Several thousand cubic yards of contaminated soils were exported to off-site landfills to be characterized and disposed. Some soils were sent to Kittitas County Landfill and some were sent to Olympic View Landfill in Kitsap County.

D. Installation of Cap

The existing 2" asphalt cap at the Myrtle Street property at the time of purchase by SIMC was cracked and in poor condition. There were numerous sections of the property which were not capped at all.

After removing the existing asphalt cap and excavating and exporting unsuitable soils, SIMC directed the installation of a 3" low permeable asphalt cap to cover the majority of the Myrtle Street property. The cap was then overlain by Portland Concrete Cement ("PCC") paving ranging in depth from 7" to 12". The cap and PCC pavement was necessary to minimize stormwater infiltration, to eliminate potentially adverse impact to the site soils by the scrap metal recycling operations, and to facilitate collection of stormwater for treatment.

E. Installation of Environmental Liner

In the areas not capped with the 3" inch low permeable asphalt cap, SIMC installed an environmental liner. This area was primarily the area beneath the concrete slab foundation of the shredder building. The liner section was composed of a sand and gravel subgrade, a 6-ounce non-woven geo-fabric, a 30-ml geo-membrane liner, and a 16-ounce non-woven geo-membrane fabric on top. The environmental liner ensured the SIMC site would meet the standards set forth in Ecology's NFA.

F. Necessary Upgrade of Stormwater Drainage System

The existing stormwater drainage system at the time of purchase of the Myrtle Street property did not function properly. In an effort to ensure that it was properly adhering to Ecology's NFA, SIMC requested the development of a stormwater drainage system that would effectively discharge stormwater run-off.

## **7. Remediation Costs Incurred by SIMC**

Total remediation costs are still being investigated. The following figures, however, have been finalized:

• Tank removal and disposal	\$10,601
• Disposal of contaminated soils	\$1,514,142
• Export of Concrete Below Asphalt	\$268,300
• Installation of geoliner	\$43,502
• Stormwater utilities	\$505,116
• Stormwater treatment system	\$127,226
• Site grading for new asphalt cap	\$205,504
• Asphalt paving	\$205,115
<b>Total:</b>	<b>\$2,879,506</b>

In addition, SIMC incurred costs for environmental consultants, soils engineers, general contractor services, construction management, taxes and attorneys fees. Our current estimate of these costs is in excess of \$1.6 million, bringing the total to approximately \$4.5 million.

# Site Plan Showing Adjacent Properties

Seattle Boiler Works

③ Great Western Chemical Company

(Former Tye Lumber) ①A  
Northland Services, Inc./Sunmar Shipping, Inc.

Heating Oil UST

SOUTH MYRTLE STREET

7TH AVENUE SOUTH

8TH AVENUE SOUTH

SOUTH ORCHARD STREET

SOUTH GARDEN STREET

SOUTH OTHELLO STREET

Puglet Sound Truck Lines ⑦

Remedco, Inc.  
Env. Services  
(Former  
Sternoff  
Metals  
Scrap Yard)  
⑨

Markey  
Machinery  
Co., Inc.

Markey  
Machinery  
Co., Inc.

**HARTCROWSER**  
J-4548(A) 8/96  
Figure 2

Subject Property Boundary

Location of  
Former ASTs

●B-1

Heating Oil UST

1,250-gallon  
Diesel Tank

12,000-gallon  
Heating Oil UST

Crane

Parcel B ①A

Dockyard Office  
(No longer in use)

Subject Property Boundary

Propane  
Storage Area

Propane Tank

●B-2

Parcel C ①B

Washwater  
Treatment  
System

Crane

Vehicle  
Washing Area

●B-3

Covered  
Staging Area

Welding  
Shop

Machine Shop

Warehouse  
Pacific Terminals, Inc.

Office

Parcel C

Paved  
Unpaved

The Plank Company

Coffe  
D'Art

(Former  
Nelson  
Trucking)

Glacier  
Marine/  
AK Pacific  
Inc.

Cryogenic Repair  
Division -  
Dry Ice Corp.

Royal Line Cabinet Co.

Tempress ①B  
(Former Continental Can Plant)

Tempress  
Parking

Vacant  
Parcel D

① Photograph Location, Number,  
and Direction

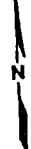
[- - -] Approximate Location of  
Former or Potential  
USTs/ASTs

①A Regulatory-Listed Site  
Location and VISTA Number

●B-1 EC Monitoring Well  
Location and Number

●B-3 EC Soil Boring  
Location and Number

100 200  
Scale in Feet



DUNHAMISH WATERWAY

# Site Plan Showing Adjacent Properties

Seattle Boiler Works

③ Great Western Chemical Company

(Former Tyee Lumber) (U)  
Northland Services, Inc./Sunmar Shipping, Inc.

Heating Oil UST

SOUTH MYRTLE STREET

Subject Property Boundary

Location of Former ASTs

●B-1

1,250-gallon Diesel Tank

12,000-gallon Heating Oil UST

Heating Oil UST

Warehouse

Office ①

7TH AVENUE SOUTH

Coffe D'Art  
(Former Nelson Trucking)

Royal Line Cabinet Co.

Glacier Marine/AK Pacific, Inc.

Cryogenic Repair Division - Dry Ice Corp.

The Plank Company

Remedco, Inc. Env. Services (Former Sternoff Metals Scrap Yard)

⑨

SOUTH ORCHARD STREET

Tempress ①B  
(Former Continental Can Plant)

Tempress Parking

Vacant Parcel D

8TH AVENUE SOUTH

Markey Machinery Co., Inc.

Markey Machinery Co., Inc.

Parcel B ①A

Dockyard Office (No longer in use)

Subject Property Boundary

DUNHAM WATERWAY

●B-2

Parcel A ①B

Propane Storage Area

Propane Tank

Washwater Treatment System

Vehicle Washing Area

Crane

Covered Staging Area

●B-3

Welding Shop

Machine Shop

Warehouse  
Pacific Terminals, Inc.

Office

Parcel C

SOUTH GARDEN STREET

SOUTH OTHELLO STREET

Puget Sound Truck Lines ⑦

100 200  
Scale in Feet

① Photograph Location, Number, and Direction

Approximate Location of Former or Potential USTs/ASTs

①A Regulatory-Listed Site Location and MSTA Number

●B-1 EC Monitoring Well Location and Number

●B-3 EC Soil Boring Location and Number

HART CROWSEY  
J-4548(A) 6/98  
Figure 2

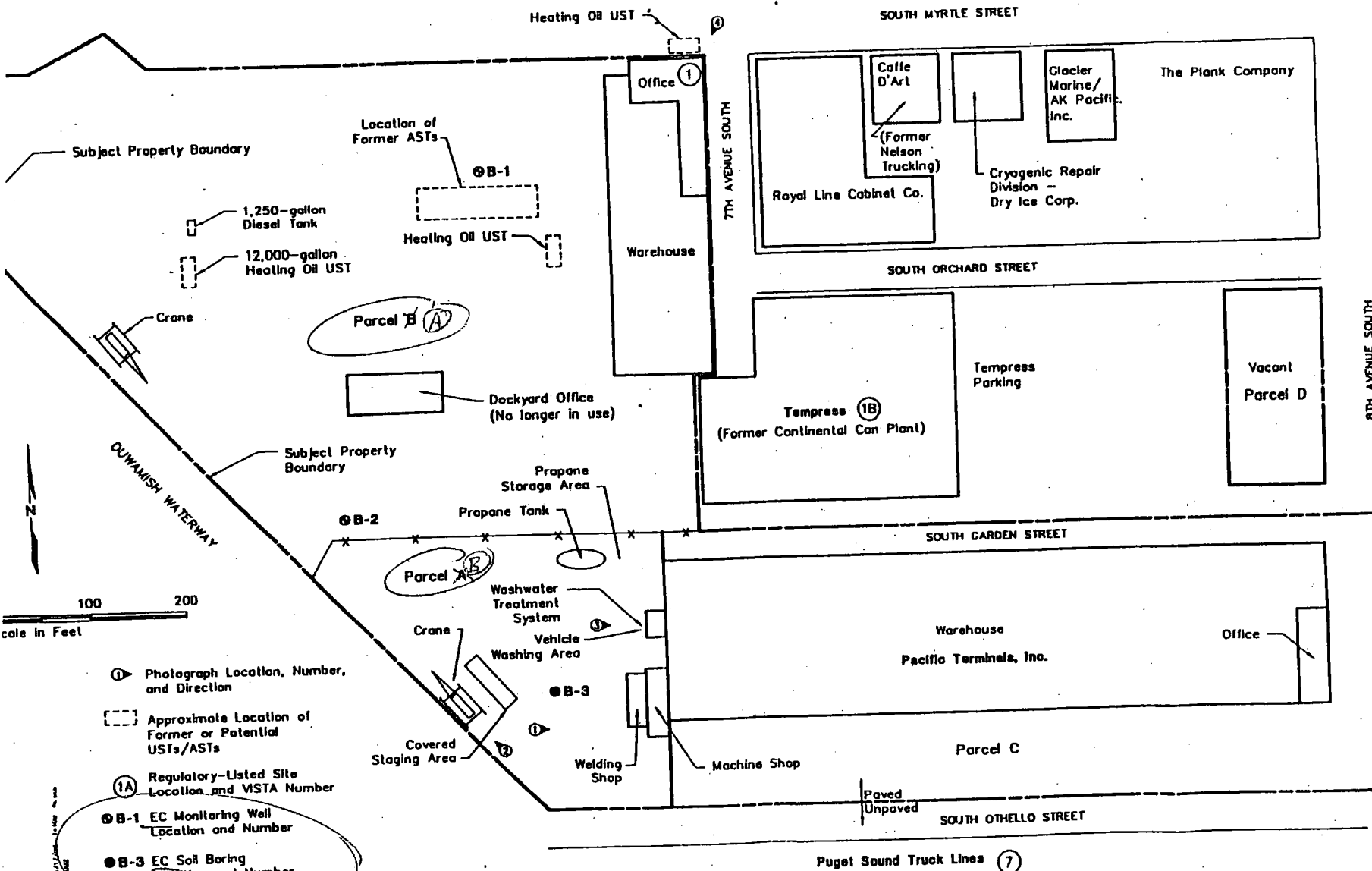


# Site Plan Showing Adjacent Properties

Seattle Boiler Works

3 Great Western Chemical Company

(Former Tye Lumber) Northland Services, Inc./Sunmar Shipping, Inc.



Remedco, Inc.  
Env. Services  
(Former Sternoff Metals Scrap Yard)

9

Markey Machinery Co., Inc.

Markey Machinery Co., Inc.

HARTCROWSER  
J-4648(A) 8/88  
Figure 2

The land referred to in this policy is situated in the County of King, State of Washington, and described as follows:

PARCEL A:

Those portions of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of Section 29, Township 24 North, Range 4 East, W.M., in King County, Washington;

TOGETHER WITH those portions of the abandoned beds of the Duwamish River lying within said quarter sections;

TOGETHER WITH that portion of South Orchard Street, as vacated under Ordinance Number 50034;

TOGETHER WITH those portions of Lots 9 and 10, Block 7, and Tracts 21, 22 and 23 of the Duwamish Industrial Addition to the City of Seattle, according to the plat thereof recorded in Volume 21 of Plats, page 65, in King County, Washington, all being more particularly described as follows:

Beginning at the south quarter section corner of said Section 29; thence north  $0^{\circ}57'26''$  east along the centerline of said Section 29, a distance of 2256.41 feet to a point on the north margin of South Garden Street, as dedicated in said plat, said point being the true point of beginning; thence west along said margin, 393.23 feet; thence south  $00^{\circ}00'00''$  east, a distance of 60.00 feet; thence west along the south margin of Garden Street projected 418.36 feet to a point on the easterly margin of the Commercial Waterway District No. 1; thence north  $43^{\circ}32'00''$  west along said easterly margin, 717.91 feet to a point on the south margin of South Myrtle Street produced westerly as deeded to the City of Seattle by deed recorded under Recording Number 833369; thence south  $89^{\circ}59'17''$  east along said south margin, 228.47 feet; thence north  $63^{\circ}10'07''$  east, a distance of 88.58 feet to the centerline of South Myrtle Street; thence south  $48^{\circ}57'17''$  east, a distance of 60.93 feet to the south margin of South Myrtle Street produced westerly and the northwest corner of a tract of land deeded under Recording Number 2733678; thence south  $89^{\circ}59'17''$  east along said south margin, 581.76 feet to the westerly margin of 7th Avenue South; thence south  $0^{\circ}00'43''$  west along said west margin, 259.87 feet to the south margin of South Orchard Street; thence continuing south  $0^{\circ}00'43''$  west, a distance of 70.71 feet; thence west, a distance of 22.76 feet; thence south  $0^{\circ}03'53''$  west, a distance of 124.71 feet to a point that is 5.00 feet north of the north margin of South Garden Street;

(legal description, continued)

LEGAL DESCRIPTION, continued:

thence east on a line that is parallel with said north margin, 401.93 feet the east line of the west 10 feet of Lot 9, Block 7 of said plat;  
thence south  $0^{\circ}08'57''$  east along said east line, 5.00 feet to the north margin of South Garden Street;  
thence west, a distance of 48.28 feet to the true point of beginning.

PARCEL B:

Those portions of the abandoned beds of the Duwamish River lying within the northeast quarter of the southwest quarter of Section 29, Township 24 North, Range 4 East, W.M., in King County, Washington;

TOGETHER WITH those portions of Tracts 19 and 20, Duwamish Industrial Addition to the City of Seattle, according to the plat thereof recorded in Volume 21 of Plats, page 65, in King County, Washington, and all being more particularly described as follows:

Beginning at the south quarter section corner of said Section 29;  
thence north  $0^{\circ}57'26''$  east along the centerline of said Section 29, a distance of 1976.47 feet to a point on the north margin of South Othello Street, as dedicated in said plat;  
thence north  $89^{\circ}58'57''$  west along said right-of-way, 477.56 feet to the southwest corner of said Tract 20 and the true point of beginning;  
thence south  $20^{\circ}44'33''$  east, a distance of 53.47 feet to the northwest corner of Tract 16 of said plat;  
thence south  $10^{\circ}03'29''$  west, a distance of 38.93 feet to the easterly margin of Commercial Waterway District No. 1 and the most westerly corner of Tract 16;  
thence north  $49^{\circ}00'00''$  west along said easterly margin, 65.71 feet to a point of intersection of Commercial Waterway District No. 1 margin;  
thence continuing along said easterly margin north  $43^{\circ}32'00''$  west, a distance of 365.49 feet to the south line of South Garden Street projected westerly;  
thence along said projection line and the south margin of South Garden Street and the north line of said Tracts 19 and 20 east, a distance of 369.87 feet to a point on a line that is 700.00 feet west of and parallel with the east line of Tract 17 of said plat;  
thence south  $0^{\circ}08'57''$  east, a distance of 219.78 feet to the north margin of South Othello Street and the south line of said Tract 20;  
thence north  $89^{\circ}58'57''$  west, a distance of 81.24 feet along said margin to the true point of beginning;

(BEING KNOWN AS Lot A of Lot Line Adjustment Number 8708120, as recorded under Recording Number 8809140174).

(legal description, continued)

LEGAL DESCRIPTION, continued:

PARCEL C:

A perpetual easement for rail ingress and egress as granted in instruments recorded under Recording Numbers 8208130666, 8212100106 and 8212100107, said easement being appurtenant to that portion of Parcel A, more particularly described as follows:

Commencing at the south quarter section corner of said Section 29; thence north  $0^{\circ}57'26''$  east along the centerline of said Section 29, a distance of 1976.47 feet to a point on the north right-of-way line of South Othello Street, as dedicated in said plat of Duwamish Industrial Addition and the south line of Tract 18; thence north  $89^{\circ}58'57''$  west, a distance of 477.56 feet along said right-of-way line to the southwest corner of Tract 20 of said Duwamish Industrial Addition; thence north  $20^{\circ}44'33''$  west along the west line of said Tract 20, a distance of 234.98 feet to the south right-of-way line of South Garden Street; thence north  $14^{\circ}58'53''$  west, a distance of 62.11 feet to the north right-of-way line of said South Garden Street, and the southwest corner of said Tract 23, and being the true point of beginning; thence due west on the extension of the south line of said Tract 23, a distance of 35.93 feet; thence north  $32^{\circ}39'30''$  west, 380.00 feet; thence north  $60^{\circ}33'54''$  west, 16.60 feet; thence north  $30^{\circ}14'49''$  west, 132.00 feet; thence north  $0^{\circ}00'43''$  east, 18.29 feet to the south right-of-way line of South Myrtle Street; thence south  $89^{\circ}59'17''$  east along the south right-of-way line of South Myrtle Street, a distance of 572.76 feet to the westerly right-of-way line of 7th Avenue South; thence south  $00^{\circ}00'43''$  west along the west line of 7th Avenue South, a distance of 259.87 feet to the south right-of-way line of South Orchard Street and the north line of said Tract 21; thence south  $89^{\circ}58'32''$  east along said right-of-way line, a distance of 16.06 feet; thence due south 70.70 feet; thence due west 38.84 feet;

(legal description, continued)

LEGAL DESCRIPTION, continued:

thence south  $0^{\circ}03'53''$  west, a distance of 129.70 feet to the north right-of-way line of South Garden Street and being the south line of said Tract 23;  
thence due west along said right-of-way line and south line of Tract 23, a distance of 227.84 feet to the true point of beginning;  
EXCEPT any portion thereof lying within Parcel A.

The land referred to in this policy is situated in the County of King, State of Washington, and described as follows:

PARCEL A:

Those portions of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of Section 29, Township 24 North, Range 4 East, W.M., in King County, Washington;

TOGETHER WITH those portions of the abandoned beds of the Duwamish River lying within said quarter sections;

TOGETHER WITH that portion of South Orchard Street, as vacated under Ordinance Number 50034;

TOGETHER WITH those portions of Lots 9 and 10, Block 7, and Tracts 21, 22 and 23 of the Duwamish Industrial Addition to the City of Seattle, according to the plat thereof recorded in Volume 21 of Plats, page 65, in King County, Washington, all being more particularly described as follows:

Beginning at the south quarter section corner of said Section 29; thence north  $0^{\circ}57'26''$  east along the centerline of said Section 29, a distance of 2256.41 feet to a point on the north margin of South Garden Street, as dedicated in said plat, said point being the true point of beginning;  
thence west along said margin, 393.23 feet;  
thence south  $00^{\circ}00'00''$  east, a distance of 60.00 feet;  
thence west along the south margin of Garden Street projected 418.36 feet to a point on the easterly margin of the Commercial Waterway District No. 1;  
thence north  $43^{\circ}32'00''$  west along said easterly margin, 717.91 feet to a point on the south margin of South Myrtle Street produced westerly as deeded to the City of Seattle by deed recorded under Recording Number 833369;  
thence south  $89^{\circ}59'17''$  east along said south margin, 228.47 feet;  
thence north  $63^{\circ}10'07''$  east, a distance of 88.58 feet to the centerline of South Myrtle Street;  
thence south  $48^{\circ}57'17''$  east, a distance of 60.93 feet to the south margin of South Myrtle Street produced westerly and the northwest corner of a tract of land deeded under Recording Number 2733678;  
thence south  $89^{\circ}59'17''$  east along said south margin, 581.76 feet to the westerly margin of 7th Avenue South;  
thence south  $0^{\circ}00'43''$  west along said west margin, 259.87 feet to the south margin of South Orchard Street;  
thence continuing south  $0^{\circ}00'43''$  west, a distance of 70.71 feet;  
thence west, a distance of 22.76 feet;  
thence south  $0^{\circ}03'53''$  west, a distance of 124.71 feet to a point that is 5.00 feet north of the north margin of South Garden Street;

(legal description, continued)

LEGAL DESCRIPTION, continued:

thence east on a line that is parallel with said north margin, 401.93 feet the east line of the west 10 feet of Lot 9, Block 7 of said plat;  
thence south 0°08'57" east along said east line, 5.00 feet to the north margin of South Garden Street;  
thence west, a distance of 48.28 feet to the true point of beginning.

PARCEL B:

Those portions of the abandoned beds of the Duwamish River lying within the northeast quarter of the southwest quarter of Section 29, Township 24 North, Range 4 East, W.M., in King County, Washington;

TOGETHER WITH those portions of Tracts 19 and 20, Duwamish Industrial Addition to the City of Seattle, according to the plat thereof recorded in Volume 21 of Plats, page 65, in King County, Washington, and all being more particularly described as follows:

Beginning at the south quarter section corner of said Section 29;  
thence north 0°57'26" east along the centerline of said Section 29, a distance of 1976.47 feet to a point on the north margin of South Othello Street, as dedicated in said plat;  
thence north 89°58'57" west along said right-of-way, 477.56 feet to the southwest corner of said Tract 20 and the true point of beginning;  
thence south 20°44'33" east, a distance of 53.47 feet to the northwest corner of Tract 16 of said plat;  
thence south 10°03'29" west, a distance of 38.93 feet to the easterly margin of Commercial Waterway District No. 1 and the most westerly corner of Tract 16;  
thence north 49°00'00" west along said easterly margin, 65.71 feet to a point of intersection of Commercial Waterway District No. 1 margin;  
thence continuing along said easterly margin north 43°32'00" west, a distance of 365.49 feet to the south line of South Garden Street projected westerly;  
thence along said projection line and the south margin of South Garden Street and the north line of said Tracts 19 and 20 east, a distance of 369.87 feet to a point on a line that is 700.00 feet west of and parallel with the east line of Tract 17 of said plat;  
thence south 0°08'57" east, a distance of 219.78 feet to the north margin of South Othello Street and the south line of said Tract 20;  
thence north 89°58'57" west, a distance of 81.24 feet along said margin to the true point of beginning;

(BEING KNOWN AS Lot A of Lot Line Adjustment Number 8708120, as recorded under Recording Number 8809140174).

(legal description, continued)



LEGAL DESCRIPTION, continued:

PARCEL C:

A perpetual easement for rail ingress and egress as granted in instruments recorded under Recording Numbers 8208130666, 8212100106 and 8212100107, said easement being appurtenant to that portion of Parcel A, more particularly described as follows:

Commencing at the south quarter section corner of said Section 29; thence north 0°57'26" east along the centerline of said Section 29, a distance of 1976.47 feet to a point on the north right-of-way line of South Othello Street, as dedicated in said plat of Duwamish Industrial Addition and the south line of Tract 18; thence north 89°58'57" west, a distance of 477.56 feet along said right-of-way line to the southwest corner of Tract 20 of said Duwamish Industrial Addition; thence north 20°44'33" west along the west line of said Tract 20, a distance of 234.98 feet to the south right-of-way line of South Garden Street; thence north 14°58'53" west, a distance of 62.11 feet to the north right-of-way line of said South Garden Street, and the southwest corner of said Tract 23, and being the true point of beginning; thence due west on the extension of the south line of said Tract 23, a distance of 35.93 feet; thence north 32°39'30" west, 380.00 feet; thence north 60°33'54" west, 16.60 feet; thence north 30°14'49" west, 132.00 feet; thence north 0°00'43" east, 18.29 feet to the south right-of-way line of South Myrtle Street; thence south 89°59'17" east along the south right-of-way line of South Myrtle Street, a distance of 572.76 feet to the westerly right-of-way line of 7th Avenue South; thence south 00°00'43" west along the west line of 7th Avenue South, a distance of 259.87 feet to the south right-of-way line of South Orchard Street and the north line of said Tract 21; thence south 89°58'32" east along said right-of-way line, a distance of 16.06 feet; thence due south 70.70 feet; thence due west 38.84 feet;

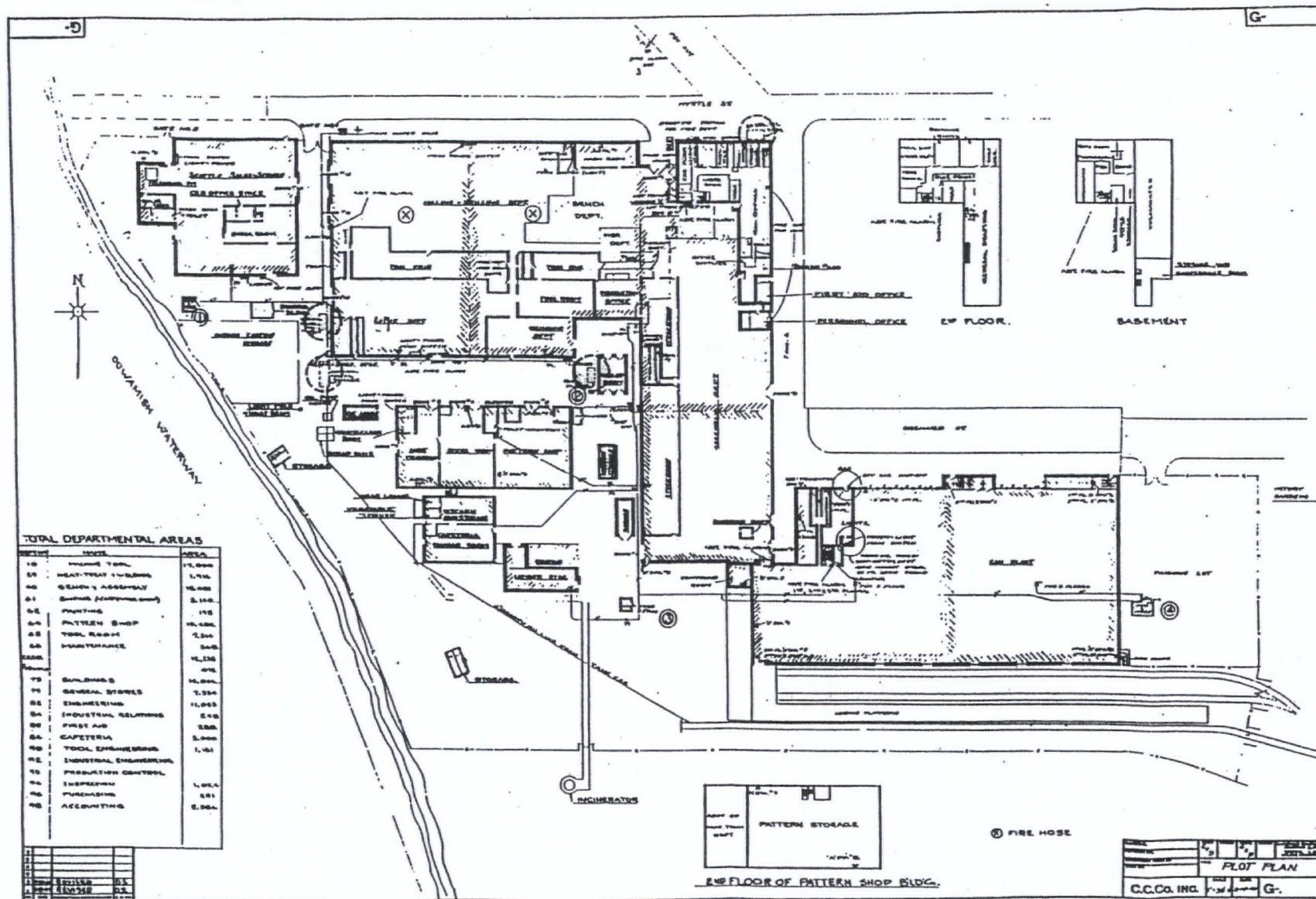
(legal description, continued)



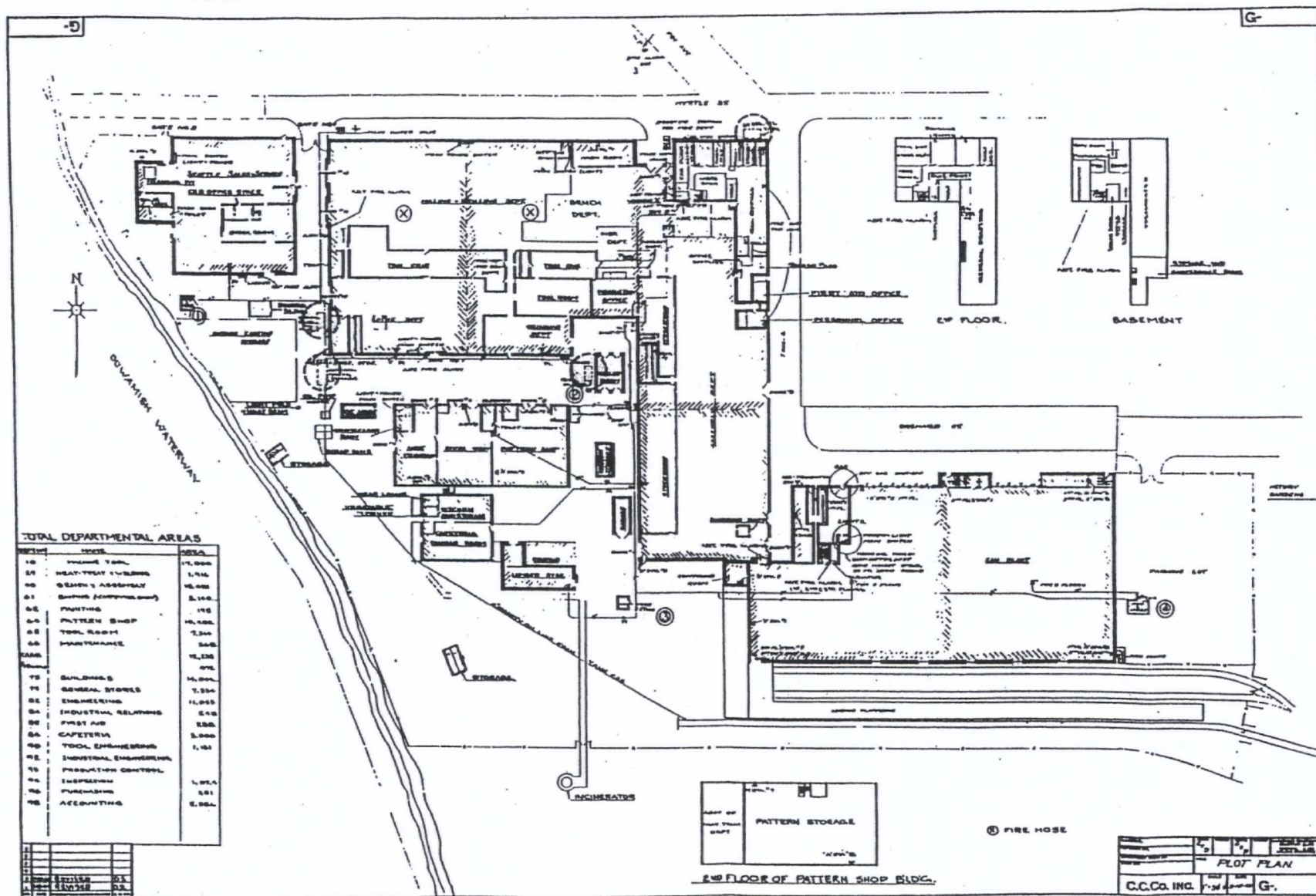
LEGAL DESCRIPTION, continued:

thence south  $0^{\circ}03'53''$  west, a distance of 129.70 feet to the north right-of-way line of South Garden Street and being the south line of said Tract 23;  
thence due west along said right-of-way line and south line of Tract 23, a distance of 227.84 feet to the true point of beginning;  
EXCEPT any portion thereof lying within Parcel A.

# Site Plan - circa 1943



# Site Plan - circa 1943





PERMIT NO.	DATE	EST. COST	WORK	STD	SIZE	CONST	OCCUPANCY
424346	1953	5000	Build main steel bldg	10,400	6	Steel Spray	Office
437188	1955	500	Install one underground storage tank				Office, Mach. shop
459254	1957	7,940	Alter bldg - reinforce framework	1			Office, Mach. shop
482937	1960		Alter bldg - reinforce framework	1			Office, Mach. shop
490717	1961	6,000	Construct paint spray booth in bldg.				Factory
499742	1961		Alter bldg - reinforce framework	1			Office, Mach. shop
509901	1964	5000	Alter bldg - reinforce framework	1			Office, Mach. shop
521722	1967	15,000	Const. addn to bldg.	1	20.5' x 110'	Vol 10	Office, Factory
527525	1968	5,000	Alter per 1st floor exist bldg.	1			Office, Factory



10/28/68 10:10-11 1961 1-100

601-55		LOT		Continental Bldg. Co.		7th Fl	
601-55		BLK		Lots 21-22-23, Hawaiian Island Vac. Sts. Ad.		Dist #2	
601-55		ADD		and all historic - from 1900-1910.			
PERMIT NO.	DATE	EST. COST	WORK	STD	SIZE	CONST	OCCUPANCY
424346	1953	5000	Build table top for 3000		10.4x34.6	Steel Spray	
437188	1955	500	Install one underground storage tank			Office, Mach. Shop	Factory
439254	1957	7,940	Alter bldg. - reinforce concrete	1		Vn	Office, Mach. Shop
482937	1960		Alter bldg. - reinforce concrete	1			
490217	1961	6,000	Construct paint spray booth in bldg.				Factory
499743	1961		Alter bldg. - reinforce concrete	1			
504861	1964	5000	Alter bldg. - reinforce concrete	1			Offices & Comm.
524722	1967	15,000	Const. addn to bldg.	1	23.5'x110'	V-1 or V-2	Office, Factory
527525	1968	5,000	Alter per 1st floor exist bldg.	1		III-RT	6 offices

SIMC 002419











PERMIT No.	DATE	MECHANICAL (except Elevator)	PERMIT No.	DATE	ELEVATOR
36023	7-17-74	Heat Exchanger shell E.P. EXCEPTION			
539192	7-17-74	Extend ckts. from existing panels mostly in existing cond. dts. co-located equip. install new ckts. as directed working in E.P. has			
B36601	7-17-74	Install air tank			
B36602	7-17-74	Install desorating feedwater tank			

60  
 RC 17  
 CH 1.7

LOT  
 BLK  
 ADD.

BUILDING PERMIT No.	DATE	EST. COST	WORK	STD.	SIZE	CONST.	OCCUPANCY
545356	1972	3600	Remove exist. boiler stack & replace with new boiler	1 & 2			W.Hr. Office & factory
551126	12/27/73	5,000	Inst. Underground stor. tank. (1000 gal. capacity)	1 & 2			W.Hr. Office & factory
552109	11/7/74	1,000	Inst. paint spray booth & occupy 2nd fl. exist. bldg. as wood-working shop. (E.P. APPROVED)	3			Inst. W.Hr. Office & factory
553097	6/25/74	200	Inst. boiler & tank. & occupy 1st fl. exist. bldg. as E.P. has	3			Inst. W.Hr. Office & factory



ORIGINAL

## CITY OF SEATTLE

DEPARTMENT OF BUILDINGS  
BUILDING - USE PERMITNOT VALID UNLESS SIGNED BY  
SUPERINTENDENT OF BUILDINGS

INDEX
CAD
4

551128

PERMIT NUMBER

884253750

RECEIPT NUMBER AMOUNT

RECEIPT NUMBER AMOUNT

551128

3750

PERMIT FEE

 At 601 S Myrtle on Lot 3106  
 (Number) (Street)

 Addition, Lot is 7 Alley 7

IG Zoning	3 Height Limit	3 Fire Zone	5000.00 Owner's Value	14 YEAR Bldg. Dept. Value	1 YEAR Life of Permit	306 Plans Filed	306 Check
EXIST OFFICE FACTORY		NO CHANGE		1 AND 1/2 No. Stories	NONE Basements	NONE No. Dwelling Units	Occupancy Certificate Required Yes No
EXIST. IN HT FI-OTER		Bldg. See New Add F-1-STERAD-ET Alter		Total Area		Let not Exceed Maximum Coverage Yes No	
Width of Streets							

Permission is hereby given to do the following described work, according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with the Ordinances of the City of Seattle.

 Install 10000 gal UL underground storage tank  
 for PS 200 fuel oil (Class III) per plan

 545-356  
 STARTING CONSTRUCTION WITHOUT A BUILDING PERMIT IS PUNISHABLE BY FINE AND IMPRISONMENT

 Owner Continental Can Co Address 601 S Myrtle Ph. 545-356  
 Contractor A Wilcox Co Ph. 632-0314  
 Struct. Engineer \_\_\_\_\_  
 Architect \_\_\_\_\_ Ph. \_\_\_\_\_  
 Address \_\_\_\_\_ Signed Continental Can Co (Owner)  
 Application made 12/27 1972 By B Wilcox  
 (Owner's Authorized Agent)  
 Permit issued 12/27 1972 SUPERINTENDENT OF BUILDINGS, By [Signature]

 Beg at int of str in charleston new corner st in collins dc  
 with s in thof th N 34-53-03 W 298.23 ft th S 00-01-52 W 40 ft  
 to true beg ths on 01-52 W 216 ft th N 39-53-05 W 331.8 ft to E and  
 of Duwamish River th NW 1/4 of E and th N 39-53-03 W of true  
 beg th S 54-53-09 E 531.76 ft  
 true beg all of sec 24.

 Curb or Walk Crossing  
 Sewer  
 Street Grades  
 Roof Area  
 Water

CERTIFICATE OF OCCUPANCY MUST BE ISSUED PER SEC. 306 BEFORE PREMISES ARE OCCUPIED

 PLANS MUST BE FOLLOWED EXACTLY. CALL FOR INSPECTION BEFORE POURING ANY CONCRETE. BE CURS OF SETBACKS AND YARDS  
 REQUIRED BY ZONING ORDINANCES.

SIMC 002421



PERMIT No.	DATE	MECHANICAL (except Elevator)	PERMIT No.	DATE	ELEVATOR
36022	2-13-74	Heat Exchanger shell E.T. HOOPER			
539242	7-17-74	Extend ckts. from existing panels mostly in existing conduits for relocated equip. install new ckts. as directed - working in EIM bag			
B36601	7-17-74	Install air tank			
B36602	7-17-74	Install deaerating feedwater tank			

66

LOT  
BLK  
ADD.

RC 17  
CH 1.7

*Water not to be used*

BUILDING PERMIT No.	DATE	EST COST	WORK	STD.	SIZE	CONST	OCCUPANCY
545356	1972	3600	Remove exist. boiler stack & replace with new boiler	152			VIHr. Office & factory
551126	2/27/73	5,000	Inst. underground stor. tank. (concrete lined)	1 & 2			Storage tank Off. & factory 55,000 gal.
552109	4/2/74	1,000	Inst. paint spray booth & occupy 2nd fl. exist. bldg. as wood-working shop. (S.I. 10000)	3			Paint spray workshop
552007	6/25/74	200	Inst. boiler & tank & occupy 1st fl. exist. bldg. as plastic working operation. occupy 1st fl. exist. bldg. as plastic working operation. (S.I. 10000)	3			Plastic working operation



ORIGINAL

**CITY OF SEATTLE**  
DEPARTMENT OF BUILDINGS  
**BUILDING - USE PERMIT**  
NOT VALID UNLESS SIGNED BY  
SUPERINTENDENT OF BUILDINGS

INDEX	551128
CLAS	PERMIT NUMBER
37.50	PERMIT FEE

884253750  
RECEIPT NUMBER AMOUNT

RECEIPT NUMBER AMOUNT

551128

At 601 S Myrtle on Lot 3 Block 1

d 1 Addition, Lot 1 Alley 1

IG	3	5000.50	1 YEAR	301			
Zone	Height Limit	Fire Zone	Owner's Value	Side, Dist. Value	Life of Permit	Phone Filled	Clert
EXIST OFFICE FACTORY	NO CHANGE	1 AND 2	NONE	NONE	Occupancy Certificate Required	Yes No	
Occupancy and Group	Occupant Load	No. Stories	Basements	No. Dwelling Units	Lot has Reached Maximum Coverage	Yes No	
EXIST. 1st HT FI-STAIR	2dsg. Sec New Add Alter	Total Area	Width of Streets	Yes No			
F-1-5 STAIRS							

Permission is hereby given to do the following described work according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with the Ordinances of the City of Seattle.

Install 10000 gal UL underground storage tank  
for PS 200 fuel oil (Class III) per plan.

545356

STARTING CONSTRUCTION WITHOUT A BUILDING PERMIT IS PUNISHABLE BY FINE AND IMPRISONMENT

Owner Continental Can Co Address 601 S Myrtle Ph. 632-0314

Contractor A Wilcox Co Ph. 632-0314

Struct. Engineer \_\_\_\_\_ Ph. \_\_\_\_\_

Architect \_\_\_\_\_ Ph. \_\_\_\_\_

Address \_\_\_\_\_ Signed Continental Can Co (Owner)

Application made 12/27 1972 By B Wilcox (Owner's Authorized Agent)

Permit issued 12/27 1972 SUPERINTENDENT OF BUILDINGS. By [Signature]

See at int of str in charleston new corner st in collins oc  
with s in thof th N 39-53-03 W 298.23 ft th S 00-01-52 W 40 ft  
to true beg THS on 01-52 W 210 ft th N 39-53-03 W 331.8 ft to s end  
of Downish River th NW 1/4 E 1/4 th N 39-53-03 W 331.8 ft to s end  
beg th S 39-53-03 E 531.76 ft true beg of all of sec 24.

- Curbs or Walk Crossing
- Sewer
- Street Grades
- Roof Area
- Water

CERTIFICATE OF OCCUPANCY MUST BE ISSUED PER SEC. 306 BEFORE PREMISES ARE OCCUPIED

PLANS MUST BE FOLLOWED EXACTLY. CALL FOR INSPECTION BEFORE POURING ANY CONCRETE. BE OURE OF SETBACKS AND YARDS  
REQUIRED BY ZONING ORDINANCES



SMA 59-Fill and rip-rap  
at 501 So. Myrtle St.

September 7, 1972

Manson Construction and Engineering Co., Inc.  
5209 East Marginal Way South  
Seattle, Washington 98134

Gentlemen:

The State of Washington, Department of Ecology, has notified us that the State Department of Ecology and the Attorney General's Office have completed review of your Shoreline Management Act Substantial Development Permit. The forty-five day review period terminated September 5, 1972.

We wish to thank you for your cooperation in complying with the State Shoreline Management Act of 1971 and the City's implementing Ordinance #100423.

We are now able to assist you in obtaining a building permit for your proposed construction. However, you should be aware that developments in the water may also require a permit clearance from the Corps of Army Engineers.

We will be pleased to assist you in any future requests for substantial development permits under the Shoreline Management Act of 1971, as well as the regular Building Department construction permit.

Very truly yours,

ALFRED PETTY, P.E.  
Superintendent of Building

By  
ROY E. JOHNSON  
Code Enforcement Officer

REJ/jls



CITY OF SEATTLE

DEPARTMENT OF ENGINEERING

ROBERT J. GULINO, CITY ENGINEER

City Engineer's Office, Room 910  
500 Fourth Avenue, Seattle, Washington 98104

September 20, 1972

Re: Grading Permit

Mr. Alfred Petty, P. E.  
Superintendent of Buildings  
City of Seattle

Dear Sir:

We are returning the application of Manson Construction and Engineering Company to fill property at 501 S. Myrtle Street with approximately 18,000 cubic yards of earth.

We have no objection to issuance of a permit for this application provided that the material as described on the sketch will hold the proposed 1-1/2 to 1 slope when submerged by high water.

For Manson Construction and Engineering Company's information we have attached a copy of the side sewer card which shows a possible side sewer outlet in the vicinity of the fill.

Very truly yours,

ROBERT J. GULINO, P.E.  
City Engineer

*for* *J. Ralph*  
By  
PAUL A. WIATRAK, P.E.  
Principal Assistant City Engineer  
Engineering Operations

MM:MRW  
Attachment

RECEIVED

SEP 22 1972

DEPT. OF BUILDINGS

SIMC 002517



SMA 59-Fill and rip-rap  
at 501 So. Myrtle St.

September 7, 1972

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5209 East Marginal Way South  
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Superintendent of Building

By  
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Code Enforcement Officer

REJ/jls



CITY OF SEATTLE

DEPARTMENT OF ENGINEERING

ROBERT J. GULINO, CITY ENGINEER

City of Seattle Building Room 910  
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September 20, 1972

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ROBERT J. GULINO, P.E.  
City Engineer

*J. Gulino*  
By  
PAUL A. WIATRAK, P.E.  
Principal Assistant City Engineer  
Engineering Operations

MM:mrw  
Attachment

RECEIVED

SEP 22 1972

DEPT. OF BUILDINGS

SIMC 002517

Re: Grading permit  
at 600 South Carden Street

April 5, 1976

Mr. Paul A. Wiatrak  
City Engineer  
City of Seattle

Dear Sir:

In accordance with Section 3.70.070 of Ordinance #83843, enclosed is the application of Manson Construction and Engineering Company, to fill property at 600 South Carden Street with approximately 65,000 cubic yards of course sand and gravel.

Application for Substantial Development Permit (S.M.A. #76-14) has been submitted. We await your recommendation.

Very truly yours,

ALFRED PETTY, P.E.  
Superintendent of Buildings

LT:kac

Act.

SIMC 002520



Re: Grading permit  
at 600 South Garden Street

April 5, 1976

Mr. Paul A. Wiatrak  
City Engineer  
City of Seattle

Dear Sir:

In accordance with Section 3.70.070 of Ordinance #33943, enclosed is the application of Hanson Construction and Engineering Company, to fill property at 600 South Garden Street with approximately 65,000 cubic yards of course sand and gravel.

Application for Substantial Development Permit (S.M.A. #76-14) has been submitted. We await your recommendation.

Very truly yours,

ALFRED PETTY, P.E.  
Superintendent of Buildings

LI:kae  
  
A.P.

SIMC 002520



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000  
August 25, 1997

Ms. Birgitta Willix, Project Chemical Engineer  
Hart Crowser, Inc.  
1910 Fairview Avenue East  
Seattle, WA 98102-3699

Dear Ms. Willox:

RE: Othello Street Warehouse Corporation  
606 Myrtle Street Property, Seattle, Washington  
IRAP Submittal

On June 2, 1997, the Washington State Department of Ecology received Hart Crowser's Independent Remedial Action Report Submittal for the 606 Myrtle Street Property dated May 30, 1997. The report documents the investigations performed at the above identified property, and describes a selected remedial approach. The proposal is to complete and maintain the existing pavement and to perform groundwater monitoring for two years to confirm that there are no impacts to the groundwater. Upon review of the submittal, Ecology concluded that it was a proposal for work to be done and therefore is not a final Cleanup Action Report. The Myrtle Street Property submittal does not qualify as a report that can be reviewed under the state MTCA IRAP procedures. After the cleanup activities are conducted at this site, you are encouraged to submit a report at that time. Ecology would be glad to review the documents describing the completed cleanup.

Ecology's review and comments of the May 30 document were discussed during a conference call meeting held on July 24, 1997. In attendance was Glynis Carrozzino of Ecology, Mike Ehlebracht and Birgitta Willix of Hart Crowser. As was discussed during the conference call, the preferred remedial approach identified had merit, yet this or any subsequent reports submitted under the Independent Remedial Action Program should include more detailed explanations of sampling and analysis procedures as well as the rationale for using them; a more thorough discussion of how the TPH Soil Cleanup Level evaluation was conducted with a presentation of the proposed petroleum cleanup levels for the site; and a more thorough discussion of the substantial and disproportionate cost analysis. Ecology would also expect to see a detailed groundwater monitoring plan, and pavement maintenance plan, as well as proposed corrective actions should some element of the remediation not perform as expected. (contingency plans)

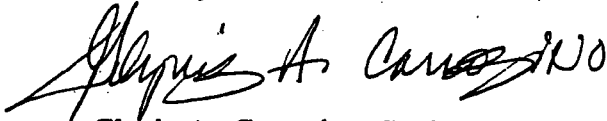
Ms. Birgitta Willix  
Othello Street IRAP  
August 25, 1997  
Page 2

If you wish to request site specific technical assistance on your proposed cleanup you can do so after October 1, 1997, commensurate with the initiation of Ecology's voluntary cleanup program. Enclosed is a copy of Ecology's Technical Consultations notice for your information.

The \$1000 deposit that has been submitted can be applied to technical assistance should you so choose.

Should you have any questions regarding this letter, please call me at 425.649.7263.

Sincerely,

A handwritten signature in black ink, appearing to read "Glynis A. Carrosino". The signature is fluid and cursive, with the last name being more prominent.

Glynis A. Carrosino, Project Manager  
Toxics Cleanup Program

enclosure

GC:gc

cc: Michael Gallagher, Ecology  
Dan Cargill, Ecology  
Jonathen Lazar, Maple Leaf  
Mike Ehlebracht, Hart Crowser



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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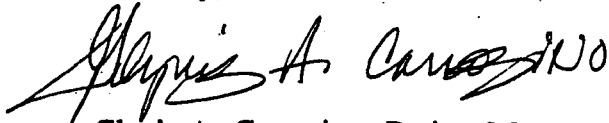
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cc: Michael Gallagher, Ecology  
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Jonathen Lazar, Maple Leaf  
Mike Ehlebracht, Hart Crowser



STATE OF WASHINGTON

## DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

June 4, 1998

Mr. Thad Alston  
Othello Street Warehouse Corporation  
C/O Third Floor, 100 Park Royal  
West Vancouver, B.C. V7T 1A2

Dear Mr. Alston:

Re: Voluntary Cleanup Program  
606 South Myrtle Street, Seattle Washington

Thank you for submitting the results of your independent remedial action for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Othello Street Warehouse Corporation facility located at 606 South Myrtle Street in Seattle:

1. Voluntary Cleanup Action Report, 606 South Myrtle Street Property, Seattle, Washington, prepared for Othello Street Warehouse Corporation and submitted March 23, 1998 by HartCrowser, Inc.
2. Independent Remedial Action Report, 606 South Myrtle Street Property, Seattle, Washington, prepared for Othello Street Warehouse Corporation and submitted May 30, 1997 by HartCrowser, Inc.
3. Site Investigation, 606 South Myrtle Street Property, Seattle Washington, prepared for Northland Services, Inc., dated February 26, 1997 by HartCrowser, Inc.
4. Preliminary Environmental Assessment 660 Othello Street and 606 South Myrtle Street, South Myrtle Street, Seattle, Washington, prepared for Maple Leaf Property Management, dated June 19, 1996, by HartCrowser, Inc.

The reports listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190.

Based upon the information in the reports listed above, Ecology has determined that, at this time,

Mr. Thad Alston  
June 4, 1998  
Page 2 of 3

the release of petroleum hydrocarbon products and copper into the soil, and groundwater no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology. Furthermore, you must conduct the necessary monitoring and maintenance to assure that this site does not pose a threat to human health or the environment.

The two constituents found on site with the potential to impact groundwater are TPH and copper. In addition, off-site sources of chlorinated solvents and PCP have the potential to migrate on site. Groundwater quality shall be monitored in the two onsite monitoring wells HC-1 and HC-2 to demonstrate that site soils and off-site sources are not impacting groundwater quality at the point of compliance. The groundwater compliance monitoring shall include the following parameters: TPH-D extended; Volatile Organic Compounds; Pentachlorophenol; Copper; Total Suspended Solids. The groundwater shall be sample twice a year, in March and in October, for two years. The sampling results and QA/QC documentation shall be forwarded to Ecology in an annual report. The two compliance monitoring wells must be maintained to ensure the integrity of the data.

The selected remedial action also includes maintenance of the existing pavement at the site. Appendix A of the Voluntary Cleanup Action Report for 606 South Myrtle Street (dated March 1998) presents the pavement monitoring and maintenance plan which stipulates requirements for annual inspection and requirements for development of a work plan should pavement penetration be needed at the site.

The selected remedial action also requires the development of a site contingency plan (refer to the March 1998 Voluntary Cleanup Action Report 606 South Myrtle Street for needed details) should groundwater monitoring reveal non-compliance with the site-specific cleanup levels. Should a contingency plan become operational, groundwater monitoring shall be extended to collect data for at least two years after the latest remedial action. Failure to conduct necessary monitoring and maintenance results in the automatic withdrawal of Ecology's no further action determination.

Ecology's no further action determination has been contingent upon filing the Restrictive Covenant, appended hereto as Appendix A, with the auditor's office in King County. No later than thirty (30) days from the date the Restrictive Covenant is recorded you were required to send a notarized copy of the recorded Restrictive Covenant to Ecology. The recorded Restrictive Covenant was received by the Department of Ecology on May 1, 1998. In addition, the Restrictive Covenant filed on your property (dated May 1, 1998), is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated. WAC 173-340-440(6)

Mr. Thad Alston  
June 4, 1998  
Page 3 of 3

requires you to notify and seek comment from a city or county department with land use planning authority for real property subject to the Restrictive Covenant.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action report dated May 30, 1997 and March 23, 1998. This no further action determination applies only to the area of the property affected by the release identified in the report at 606 South Myrtle Street, Seattle, Washington. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Othello Street Warehouse Corporation. This no further action determination does not apply to remedial actions determined necessary as a result of conformational monitoring.

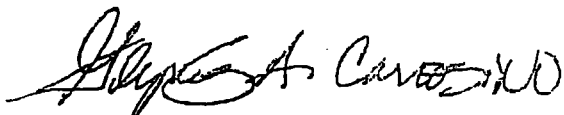
Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report).

Ecology will also update its Leaking Underground Storage Tank database to reflect this "No Further Action" determination. Your site will not appear in future publications of the LUST database.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at 425-649-7263.

Sincerely,



Glynis A. Carrosino, Project Manager  
Toxics Cleanup Program

GAC:gc  
Enclosures

cc: Dan Cargill, Ecology VCP Coordinator  
Joe Hickey, Ecology LUST-VCP



RESTRICTIVE COVENANT 606 SOUTH MYRTLE STREET PROPERTY

Grantor OTHELLO STREET WAREHOUSE CORPORATION	
Grantee STATE OF WASHINGTON/DEPARTMENT OF ECOLOGY	
Legal Description PTN LOTS 9-10, BLK 7, PTN TRACTS 19 and 20, DUWAMISH IND. ADD, V21/P65	
Assessor's Tax Parcel ID # PORTION 213620-0706-06;	292404-9089-22

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Othello Street Warehouse Corporation, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document: Voluntary Cleanup Action Report, 606 South Myrtle Street, Seattle, Washington dated March 23, 1998, prepared by Hart Crowser. This document is on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of total petroleum hydrocarbons and copper, which exceed the Model Toxics Control Act Residential Cleanup Levels for soil and groundwater established under WAC 173-340-740 and 173-340-720.

The undersigned, Othello Street Warehouse Corporation, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this restrictive covenant and made a part hereof by reference.

Othello Street Warehouse Corporation makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1

1. The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle's zoning regulations codified in the City of Seattle Municipal Code, as of the date of this Restrictive Covenant.
2. No groundwater may be taken from the Property without prior written approval from Ecology.
3. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2.

Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3.

Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4.

The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5.

The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

TA

Section 6.

The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7.

The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8.

The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

OTHELLO STREET WAREHOUSE CORPORATION

By Thaddas L. Alston

Thaddas L. Alston, Vice President

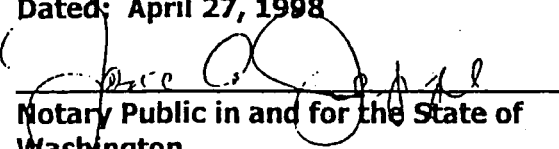
STATE OF WASHINGTON)

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Thaddas L. Alston is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as the Vice President of Othello Street Warehouse Corporation to be the free and voluntary act of such party for the use and purposes mentioned in this instrument.

Dated: April 27, 1998

  
Notary Public in and for the State of  
Washington

  
Printed Name

Residing at Seattle

My appointment expires 11/29/2001

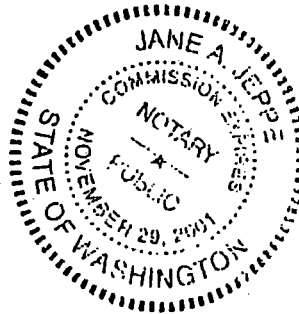


EXHIBIT "A"

PARCEL B:

Those portions of the abandoned beds of the Duwamish River lying within the northeast quarter of the southwest quarter of Section 29, Township 24 North, Range 4 East, W.M., in King County, Washington;

TOGETHER WITH those portions of Tracts 19 and 20, Duwamish Industrial Addition to the City of Seattle, according to the plat thereof recorded in Volume 21 of Plats, page 65, in King County, Washington, and all being more particularly described as follows:

Beginning at the south quarter section corner of said Section 29; thence north  $0^{\circ}57'26''$  east along the centerline of said Section 29, a distance of 1976.47 feet to a point on the north margin of South Othello Street, as dedicated in said plat; thence north  $89^{\circ}58'57''$  west along said right-of-way, 477.56 feet to the southwest corner of said Tract 20 and the true point of beginning; thence south  $20^{\circ}44'33''$  east, a distance of 53.47 feet to the northwest corner of Tract 16 of said plat; thence south  $10^{\circ}03'29''$  west, a distance of 38.93 feet to the easterly margin of Commercial Waterway District No. 1 and the most westerly corner of Tract 16; thence north  $49^{\circ}00'00''$  west along said easterly margin, 65.71 feet to a point of intersection of Commercial Waterway District No. 1 margin; thence continuing along said easterly margin north  $43^{\circ}32'00''$  west, a distance of 365.49 feet to the south line of South Garden Street projected westerly; thence along said projection line and the south margin of South Garden Street and the north line of said Tracts 19 and 20 east, a distance of 369.87 feet to a point on a line that is 700.00 feet west of and parallel with the east line of Tract 17 of said plat; thence south  $0^{\circ}08'57''$  east, a distance of 219.78 feet to the north margin of South Othello Street and the south line of said Tract 20; thence north  $89^{\circ}58'57''$  west, a distance of 81.24 feet along said margin to the true point of beginning;

(BEING KNOWN AS Lot A of Lot Line Adjustment Number 8708120, as recorded under Recording Number 8809140174).

13 April 1997  
91P-11847-00

Department of Ecology, Northwest Regional Office  
3190 - 160th Avenue S.E.  
Bellevue, Washington 98008-5452

Attention: Ms. Glynis A. Carrosino

Subject: **Myrtle Street Property**  
606 Myrtle Street, Parcels A and B  
Seattle, Washington 98108

Dear Ms. Carrosino:

AGRA Earth & Environmental, Inc. (AEE) is performing a geotechnical and environmental review of the subject site for the prospective buyer, Seattle Iron & Metals Corporation (SIMC). AEE understands that the Washington Department of Ecology (WDOE) is currently reviewing a request for an *Interim No Further Action* status submitted by Hart Crowser on behalf of the current owner, Othello Street Warehouse Corporation. Further, AEE understands that the proposed work plan includes maintenance of the existing asphalt pavement surface cap and monitoring of groundwater wells, as outlined in sections 7.2 and 7.3 of the Hart Crowser *Voluntary Cleanup Action Report* dated 23 March 1998.

As the prospective site buyer, SIMC is planning to develop the site to meet the needs of a scrap metal recycling facility. Development would generally include an office building, a warehouse, operational equipment, and construction of a state-of-the-art storm water treatment facility. To limit potential surface water infiltration into the site soils, site development would include a 3-inch thick, low-permeable, asphalt pavement surface cap across the entire site. This cap would be in addition to the anticipated industrial pavement surfacing necessary for operations. The intent of the cap and pavement surfacing will be to minimize stormwater infiltration, to eliminate potentially adverse impact to the site soils by the scrap metal recycling operations, and to facilitate collection of stormwater for treatment.

The proposed construction would involve some regrading of the site soils for the purpose of site drainage, as well as limited site excavation to install utilities and subsurface storm water storage tanks. As stated in Appendix A of the 23 March 1998 Hart Crowser report, the proposed construction plans will include a Health & Safety Plan to handle potentially contaminated site soils, based upon the information available in previous environmental reports prepared for the subject site. AEE anticipates that the on-site soils encountered during the planned construction will be stockpiled on site and incorporated into the site grading,

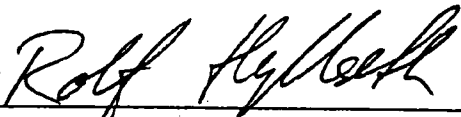
consistent with Appendix A of the 23 March 1998 Hart Crowser report. After grading is completed, the site will be capped with the low-permeable asphalt surfacing and the industrial pavement section.

AEE is writing this letter on behalf of the prospective buyer to satisfy the provisions of section 7.2 and Appendix A of the 23 March 1998 Hart Crowser report and to confirm that the planned construction will meet anticipated WDOE requirements. Please contact AEE immediately if WDOE has concerns or anticipates potential problems with the proposed construction plans outlined above. The proposed project is on a fast-track to be completed by the end of 1998. To achieve this, the final project design drawings will need to be submitted to the City of Seattle Department of Construction and Land Use by 29 May 1998. Accordingly, AEE would appreciate your response to these issues as soon as possible.

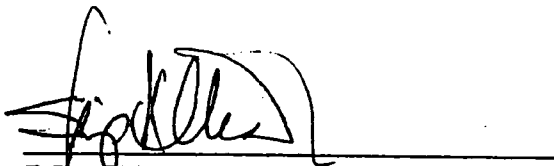
Thank in advance for your assistance.

Respectfully submitted,

AGRA Earth & Environmental, Inc.



Rolf B. Hyllseth, P.E.  
Senior Project Engineer



F.R. "Skip" Allred  
Associate

RBH/FSA/lad

Distribution: Seattle Iron & Metals Corporation (1)  
Ogden Murphy Wallace, P.L.L.C. (1)  
KPFF Consulting Engineers (1)

Attn: Mr. Alan P. Sidell  
Attn: M. William F. Joyce  
Attn: Mr. Todd Rusche



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

May 6, 1998

Mr. Rolf Hyllseth, P. E.  
AGRA Earth and Environmental  
11335 NE 122<sup>nd</sup> Way  
Suite 100  
Kirkland, WA 98034-6918

RE: Myrtle Street Property – Voluntary Cleanup Project

Dear Mr. Hyllseth:

On April 15, 1998, the Washington Department of Ecology received your correspondence dated April 13, 1998, which presented an overview of the anticipated development activities which are expected to occur at the Myrtle Street Property at 606 South Myrtle Street in Seattle, once the prospective purchaser (SIMC) gains ownership of the site. My understanding is that Seattle Iron and Metals now owns to above mentioned property and plans to develop the site to meet the needs of a scrap metal recycling facility.

The proposed construction appears to provide the site with a more effective pavement and more efficient storm water management. As specified in the site Restrictive Covenant, any activity on the Property that may result in the release or exposure to the environment of hazardous substances that remain on the Property as a part of the remedial action is prohibited unless approved by Ecology. HartCrowser (Consultants for Othello Street Warehouse Corporation) were tasked to investigate the above referenced property. The consultants utilized the Washington State Interim TPH policy to evaluate various concentrations of TPH in site soil and a determination was made that the soil could remain on site, provided the site had an appropriate cover and groundwater was monitored for the next two years. Copper was also a constituent to be monitored. A couple of TPH "hot spot" areas were identified and are a source of concern for me, should they be encountered during site construction. I would like to discuss those details further with your office, and determine how such material will be evaluated and managed.

This April 13, 1998 letter very briefly presented the anticipated development activities for the site. In concept, I feel that what is being proposed has merit, but I need more detailed explanations and design details to effectively respond to this proposed project.

SIMC 002266

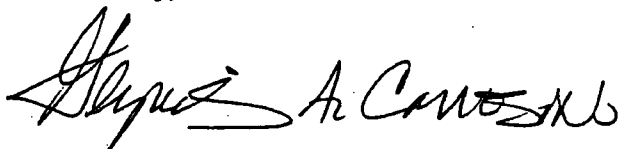


Mr. Rolf Hyllseth  
Myrtle Street Letter  
May 6, 1998  
Page 2

As discussed with Bill Joyce, environmental attorney for SIMC, I am willing to schedule a meeting to discuss project details and restrictive covenant requirements.

Should you have any questions, please feel free to call me at 425-649-7263. I look forward to our meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glynis A. Carrosino". The signature is fluid and cursive, with the first name being the most prominent.

Glynis A. Carrosino, Project Manager  
Toxics Cleanup Program

cc: Michael Gallagher, Ecology  
Bill Joyce, Agden, Murphy & Wallace  
Dan Cargill, Ecology VCP Coordinator



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

June 12, 1998

Mr. F.R. "Skip" Allred, P.E.  
AGRA Earth & Environmental  
11335 N.E. 122<sup>nd</sup> Way Suite 100  
Kirkland, WA 98034-6918

RE: Myrtle Street Property,  
606 South Myrtle Street, Seattle WA 98108

Dear Mr. Allred:

On May 22, 1998, the Washington Department of Ecology (Dan Cargill and I) met with your staff and Bill Joyce, SIMC legal council, to discuss in more detail the anticipated redevelopment activities which are being proposed by Seattle Iron and Metals (SIMC) at the 606 South Myrtle Street property in Seattle. The site will be developed to meet the needs of a scrap metal recycling facility. Design details were shared at the May 22 discussion, which presented a more effective pavement, and a more efficient storm water management for the site, as well as an understanding on the part of the consultants on how to respond to any environmental issues or concerns that may arise during regrading and building demolition and construction. Ecology will be contacted should any major issues arise.

The proposed redevelopment activities triggered Section 3 of the Restrictive Covenant for the South Myrtle Street Property, which prohibits any activity in the capped areas of the site, unless approved by Ecology. This correspondence formally presents for the record Ecology's approval of the work being conducted by SIMC to redevelop the site. Upon completion of site development, a far more protective cap will be in place.

Should you have any questions, please feel free to call me at 425-649-7263.

Sincerely,

Glynnis A. Carrosino, Project Manager  
Toxics Cleanup Program

cc: Michael Gallagher, Ecology  
Bill Joyce, Ogden, Murphy & Wallace  
Rolf Hyllseth, AGRA  
Dan Cargill, Ecology

SIMC 002265

